Ombudsman
SASKATCHEWAN

Annual Report 2006

WHAT WE ARE

Fair
Independent
Impartial

WHAT WE DO

Negotiate
Investigate
Mediate

HAS GOVERNMENT BEEN FAIR?

2007-04667/

Ombudsman
SASKATCHEWAN

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April 2007

The Honourable P. Myron Kowalsky
Speaker of the Legislative Assembly
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Mr. Speaker:

In accordance with Section 30 of *The Ombudsman and Children's Advocate Act*, it is my privilege and duty to submit to you the thirty-fourth annual report of Ombudsman Saskatchewan for the year 2006.

Respectfully submitted,

Kevin Fenwick
OMBUDSMAN

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Observations

Kevin Fenwick, QC., Ombudsman

Introduction

The year 2006 was both challenging and exciting for Ombudsman Saskatchewan. This report will provide some reflection on the past year and a look ahead to 2007.

What We Do

The role of Ombudsman Saskatchewan is to determine whether administrative decisions of government and its agencies are "fair." We use the word "fair" to encompass the specific meanings described in our empowering legislation, *The Ombudsman and Children's Advocate Act*, including that the decisions of government are not contrary to law, unreasonable, unjust, oppressive, improperly discriminatory, based on a mistake of law or a mistake of fact, or wrong.

It is the categories "unreasonable" and "wrong" that cause the most debate. While the Ombudsman does have the authority to make recommendations if he believes that a decision of government or its agencies is "wrong," we do not believe that it is our role to act as an appellate body. In other words, we are not likely to recommend that government change its decision just because we might have come to a different conclusion or made a different decision based on the same information or evidence.

We will, however, review the "rightness" of a decision if we believe that there was insufficient information or evidence upon which to reasonably reach the conclusion in question. We will also review whether the evidence relied upon by government to make a decision is properly documented. If there is information properly documented on the government's file, and if the decision reached is not unreasonable, we are not likely to substitute our opinion for that of government even if we might have come to a different conclusion based on the same information.

Simply stated, the mandate of Ombudsman Saskatchewan is to promote fairness. We determine whether the government is fair in its provision of services and in the administration of programs and legislation. We work to achieve this mandate through the exercise of the powers set out in *The Ombudsman and Children's Advocate Act*.

Respond to Public Complaints

The Ombudsman and Children's Advocate Act prescribes four main duties for the Ombudsman. We consider that two of those duties - the power to investigate public complaints and the power to use various methods of alternate case resolution - are actually part of the same spectrum of service delivery for complaints received from members of the public. There are various ways to deal effectively with complaints from the public about the administrative decisions of government.

Sometimes a formal investigation is required. In such cases, we will serve notice to the government of our intent to investigate and we will conduct a thorough review of the decision in question and, where appropri-

ate, recommend corrective action. Often, however, it is more appropriate to deal with the complaint using other approaches such as negotiation, conciliation, or mediation.

On a case-by-case basis we will assess what is the most appropriate method to deal with the complaint. We believe that every person who brings a complaint to Ombudsman Saskatchewan deserves to have the complaint dealt with appropriately, not just with respect to the decision of government complained about, but also with respect to the method of service provided by our office.

Own Motion Investigations

On his own initiative, that is, without a specific complaint from a member of the public, the Ombudsman may review, investigate, and where appropriate, recommend corrective action respecting matters he believes warrant investigation or are of public interest. These may be major investigations of systemic problems.

Public Education

The Ombudsman and Children's Advocate Act also imposes on the office the responsibility to engage in public education about the office and its role, and also to inform the public about how to effectively deal with government. We believe this role includes the responsibility to work with government to improve its ability to respond to public complaints when they occur and, just as importantly, to deal with the public in a fair manner so complaints do not occur.

Looking Back at 2006

The "Numbers"

Our statistics suggest that the steady increase in complaints received by the office through the 1990s and the first few years of this decade has levelled off. The number of complaints we received in 2006 about matters that were within our jurisdiction were consistent with the year before, showing a slight decrease to 2,533 "within jurisdiction" complaints in 2006 compared to 2,601 such complaints in 2005.

Consistent with the trend we have seen over the past several years, the number of complaints received at the office about matters that are not within our jurisdiction continues to decrease. The number of such complaints in 2006 was 1,195.

We are not unhappy with either of these trends. With respect to the relative stability in the number of complaints about matters within our jurisdiction, that stability allows us to provide an effective level of service, consistent with the resources we have available. It also allows us to examine whether we can expand our level of service where it is needed but where the office is currently under-utilized.

With respect to the decrease in the number of complaints about matters that are outside our jurisdiction, we are pleased to see this reduction. We continue to provide a referral service when the public calls us about matters that are outside our jurisdiction. We are not prepared simply to say, "Sorry, we can't help you with that problem." We are working, however, to educate both the public and other agencies about what is and what is not within our jurisdiction. We believe the reduction in the numbers of out-of-jurisdiction complaints indicates that our efforts are having a positive effect.

The specifics with respect to these statistics are found in the tables at the back of this report.

Tracking Complaints

In 2006, Ombudsman Saskatchewan implemented a new computer system for complaint tracking. The implementation process provided us with both challenge and opportunity. I want to acknowledge the hard work of the staff of Ombudsman Saskatchewan not only in accepting this challenge and responding to it very well, but also in grasping the opportunity to examine the way we do business within the office and to look for ways to improve our level of service.

Raising the Bar

We have moved away from the traditional model of concluding our files as either "substantiated" or "not substantiated". The substantiated/not substantiated dichotomy is a reactive model. It is about looking back in time, finding fault, and assigning blame.

Our new model attaches less importance to whether the government achieved a basic level of "fairness" and much more importance to whether the government could have done better. This is in keeping with best practices models that are being adopted by government and the private sector around the world. We believe that if we examine government's action in response to a complaint, it is incumbent upon us to point out where government could have done better. We believe this to be so even if it cannot be said that the government's action was "wrong." We believe we should be promoting best practice for fair practice.

Our new model categorizes the complaints we receive in various ways. It recognizes that there are three basic kinds of complaints that come to our office. First, some complaints are about the substantive decisions of government; the "meat and potatoes" issues. Second, some complaints are not so much about what the decision was, but about how the decision was made. The public needs to know that the process used by government to make a decision was fair. Third, citizens need to know that they have been treated with respect.

Our new model also tracks the method of service we provide in response to complaints so we can better assess what types of service are most effective.

Fair Practice Training

In 2006 we continued to develop our Fair Practice Training for government. For many years, Ombudsman Saskatchewan has provided presentations to government departments and agencies about "what to do when the Ombudsman calls." The Fair Practice Training is more about "what to do so the Ombudsman does not call." It is an in-depth workshop that addresses the concept of fairness and why governments should care about it. It also provides tools to better equip government workers to deal fairly with the public. We now have a training manual of which we are quite proud and we are delivering workshops on a regular basis. To date, the feedback has been very positive. Without exception, the participants in these workshops have indicated to us that they believe the workshop will assist them in doing their jobs better.

A Proactive Approach to Files and Issues

Just as the Fair Practice Training is indicative of our general efforts to be more proactive in the work we do, we are also shifting to a more proactive model with respect to specific files and specific issues.

An example of those proactive efforts pertains to the Saskatchewan Auto Fund rebates announced by Saskatchewan Government Insurance (SGI) early in 2006. At Ombudsman Saskatchewan our experience has been that when a program such as this is delivered we will receive a significant number of complaints about the program. These complaints often come from people who perceive that they have "fallen through the cracks" and are not eligible for program benefits. When the SGI rebate program was first announced, I contacted the President of SGI and asked whether he would be interested in having staff of SGI sit down with our office to discuss issues pertaining to the fair delivery of that program. The result was a very productive meeting at which we made suggestions to SGI about how the program could be delivered more fairly. Almost all of those suggestions were adopted.

Subsequently, we learned from SGI that its experience with respect to the number of complaints it received about the program was very positive. At Ombudsman Saskatchewan we did not receive a single complaint about this program. SGI deserves credit for its efforts to ensure that its program would be delivered as fairly as possible. From our perspective, we are looking for opportunities such as this to lend our

perspective on fairness in the early stages of program development in a proactive way instead of waiting until complaints are received at our office after the fact.

Addressing the Needs of the North

Several years ago, as part of a partnership with the office of the Children's Advocate and the Saskatchewan Human Rights Commission, Ombudsman Saskatchewan participated in a Northern Exchange. The purpose of the Northern Exchange was to help the offices better understand the unique needs of northern Saskatchewan.

In 2006, the three offices embarked on the second phase of the Northern Exchange. Phase II was intended to update ourselves and learn more about northern issues and also to specifically address the question of how we could better provide our services to the north. In the fall of 2006 we hosted community meetings in La Ronge, Pinehouse, Meadow Lake, La Loche, Buffalo Narrows, Ile à la Crosse, and Beauval. The feedback we received from our meetings indicates that, if people there are to understand and use our services, we have to make ourselves better known to them.

I believe that Ombudsman Saskatchewan can do a better job of serving the northern part of our province. I also believe that the needs of the north with respect to ombudsman services are significant and, in some ways, different from the south.

Estelle Laliberte shows the community of Buffalo Narrows to part of the Northern Exchange team. From left to right: Karen Topolinski, Saskatchewan Human Rights Commission; Estelle Laliberte, Director, Buffalo Narrows Friendship Centre; Lelia Dueck, Ombudsman Saskatchewan; Kevin Fenwick, Ombudsman; Blaine Thomas, Children's Advocate Office; Marvin Bernstein, Children's Advocate.

Systemic Investigations

In 2006 we completed a number of systemic investigations.

We completed an examination of special needs funding for dependent adults by the Department of Community Resources. We looked at the issue of mandatory retirement at age 65 and, more specifically, the decision of the Saskatchewan Human Rights Commission to assume jurisdiction over the issue. We also investigated SaskEnergy's policy requiring landlords to enter into uninterrupted service agreements. We examined Saskatchewan Crop Insurance Corporation's Annual Crop Weather-Based Insurance program and Family Health Benefits for temporarily absent residents.

We also commenced or continued systemic investigations into a broad range of issues including:

- the timeliness of decision making by Saskatchewan's administrative tribunals.
- a review of the hearing processes and procedures in place at the office of the Rentalsman.
- the administration of the Methadone treatment program in correctional facilities.
- the use of restraint chairs in correctional facilities.
- an examination of the refund set-off program under which the Department of Community Resources accesses former clients' funds from the federal government to collect old outstanding overpayments that might otherwise be statute-barred and uncollectible.

Looking Ahead to 2007

We are looking forward to new challenges in 2007.

We will continue with our proactive approach to ensuring that the government of Saskatchewan treats its citizens fairly. Consistent with our desire to "raise the bar" with respect to fairness, we will continue to look for areas where government can improve its level of service and we will make recommendations in such cases. We will also continue with our Fair Practice Training.

We are both pleased and thankful that our 2007-2008 budget contains some modest funding for an initiative specifically designed to increase our level of service in northern Saskatchewan. Working with the office of the Children's Advocate and the Saskatchewan Human Rights Commission, we intend to visit several more communities in the north, to increase our presence in the north throughout the year, and to host a northern conference in the fall of 2007.

Internally, we intend to conduct an examination of our own processes for handling files to determine if there are ways that we can provide more timely service. While the examinations we have conducted to date indicate that the vast majority of the complaints that come to our office are handled within a very short period of time, there are some files, particularly some of the larger investigation files, that take considerably longer. We want to ensure that these investigations, while thorough, are completed in as timely a fashion as possible.

Equity and Accountability

In my 2005 annual report I noted that the higher standards of accountability demanded of government in the wake of events like the Enron scandal and thefts from various departments within the Saskatchewan government are presenting new challenges for those responsible for delivering programs and services. While policies to insure proper accountability are necessary, we must remember that those policies are designed to assist with the effective delivery of programs. We must also be mindful of the goals that those programs are designed to achieve. We should not allow ourselves to be so strictly bound by the rules put in place for accountability that we lose sight of the overall program goals.

In some ways, the role of the Ombudsman is similar to that of the Courts of Equity in England several hundred years ago. The power of the Courts of Equity, eventually resting in the Chancellor, developed as a counterbalance to the harshness created by too strict an application of rules in the Law Courts. The Chancellor became the "keeper of the King's conscience," charged with protecting fairness and equity in the face of oppressive enforcement of rules.

Conclusion

Ombudsman Saskatchewan will continue to work diligently to ensure there is balance between the need for accountability and the need to deliver effective service to those for whose benefit the programs were designed.

As promoters and guardians of fairness, we continue to work to ensure that there is sufficient discretion and flexibility within the structure of rules and policies.

What Happens When You Call Us?

When a complaint comes to our office, it follows a process, from initial determination of jurisdiction through to appropriate handling and concluding actions.

Step 1 – We check: Is this a type of complaint we can take?
We will listen to the complaint and ask questions to determine whether our office is the best place for the complaint.

We operate under *The Ombudsman and Children's Advocate Act*. If the Act would not allow us to take the complaint or if some other action may be more appropriate, we will talk to you about your options.

Step 2 – We check further: Is the complaint ready for us?

We will ask you what steps you have already taken to solve the problem yourself. For example:

- Did you ask the government office to give you reasons for the decision?
- Did you ask to speak to a manager?
- Was there an appeal process? If so, did you try it?

If you have not taken these steps, we will recommend that you do so. We may be able to suggest an appeal process or other option you could try with the government office.

Step 3 – We will ask you for more information.

We will ask you to give us the details about what happened. We may ask you for those details in writing and we may ask you to sign a form. We may also ask you for copies of relevant documentation (for example, invoices or letters).

Step 4 – We will deal with the complaint impartially.
We will look at your information and the government office's information to determine what is fair.

Will the complaint be investigated? Sometimes. Based on the information you bring us, we will make a decision about how to proceed.

Here are some ways we might proceed with your complaint. We may use one or more of these methods – whatever is the most appropriate.

Complaints we can take:

Complaints about the provincial government's:

- decision or action
- failure to act
- delay in service

Complaints about provincial government:

- departments
- agencies
- boards
- commissions
- Crown corporations

Complaints we can't take:

Anything else.

For example, complaints about:

- the federal government
- the courts
- decisions of Cabinet
- school boards
- the police
- municipal governments
- band councils
- private companies
- individuals

Negotiation - If you and the government office are no longer talking to each other, we may act as a go-between. We may help re-establish communications and set ground rules for how the parties will treat each other in the future.

Mediation - This is a more formal process than negotiation and usually results in a signed agreement between the parties.

Investigation - This is a process where our office researches what happened and why it happened. Investigations may be formal or informal.

Many of our investigations are done informally. We try to resolve a complaint in the early stages by gathering information to help you and the government office understand each other's positions.

Formal investigations begin with a letter to the Deputy Minister or head of the government office, providing notice that we will investigate the complaint. You will receive a similar letter. When we complete the investigation, we will decide whether to make a recommendation to the government office, and will share that information with you.

System-Wide Investigation - This is a broader investigation that looks at how government deals with a particular issue. It is possible that we may fold your complaint into a system-wide investigation.

Step 5 - What will the end result be?

Our work on a complaint can result in a variety of possible outcomes. Here are some examples:

- You and the government office may develop a better working relationship.
- We may decide that the government office acted fairly and that nothing more needs to be done.
- We may decide that the government office made a fair decision, but could have done a better job of explaining it to you - so we would ask them to do this.
- We may decide that the government office acted unfairly or could have done better. If so we would make a recommendation to them, stating what we think they should do.
- During the course of our work on the complaint, the government office may voluntarily take steps to correct or improve the situation.

How to Contact Us

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Complaints From Individuals

Overview

One of the key roles of our office is to take individual complaints. We attempt to resolve these complaints using the most appropriate method or combination of methods for each one. The methods include coaching, negotiation, mediation and investigation.

Here some examples of the cases we closed in 2006. Some of them demonstrate the initial support we provide to get complaints resolved in the early stages, some demonstrate various possible outcomes, some demonstrate that government isn't always wrong, and some demonstrate that, when government has made a fair decision, there may still be ways in which they can act more fairly.

It is this last category in particular that we are thinking of when we say we are raising the bar. Raising the bar means paying more attention to the decision-making process and to the way people are treated. It means looking at what a particular policy was intended to do, and making allowances in unique situations. Raising the bar means thinking in terms of best practices for fairness and appropriate results for government clients.

Internet Service for a Northern Family

Rick and Roxy live in a remote northern community. They gained Internet access through SaskTel. Since they were new to the Internet, they didn't

realize that the frequent busy signals and very slow service they experienced were not normal.

When Roxy decided to take some on-line education, she had trouble connecting to the educational site. In the process of helping Roxy reach the website, the school suggested that something must be wrong with their Internet service.

Rick called SaskTel and explained what was happening. SaskTel found the error, repairs were made, and the couple's service improved. Rick asked for reimbursement and was offered one month of free service. He felt he should get a year's free service and called our office.

We talked to SaskTel and confirmed that the error was indeed SaskTel's and that the couple's Internet service had been on the same line as their telephone – hence the busy signals and slowness. We also found that, by offering one month's free service, SaskTel had simply been following their policy.

Under most circumstances, a month's free service would be a significant and appropriate response to a customer service mistake. This time, however, we thought it was not enough and that some allowance should be made for these unique circumstances.

After all, Rick and Roxy acted responsibly and reported the problem as soon as they were aware that their experience was not the norm. SaskTel agreed to take another look at the situation. In addition to the month's free service, they agreed to reimburse the couple for about 40% of the past year's Internet fees.

Closing a Funding Gap Between Student Loans and TEA

Raina is a single mother with a two-year-old. She decided to take a course and applied for a student loan. As a result, her Transitional Employment Allowance (TEA) benefits would end. Unfortunately, the student loan would not be available until October and her last TEA cheque would be in August. There would be no money in September.

Raina called her local Community Resources office and was told that nothing could be done. She didn't think this was fair and called our office.

We checked with Community Resources and found out that Raina could fill out a form, showing the start date of the course. She did this but,

since the course was due to start on September 22, Raina received a cheque for only part of September.

It didn't make sense that Raina wouldn't be covered for all of September when her student loan wouldn't arrive until October. Once again, we called Community Resources and this time, they agreed to provide Raina with full benefits for September.

Air Tank Claim: Was it Damaged in An Accident or Worn Out Anyway?

Reg had an accident with his truck and SGI paid for the damages – all except a broken air tank. Reg didn't think this was fair. He told us that he had checked the air tank the morning before the accident and it was okay. In fact, Reg's friend, a welder, said the tank would still have been okay if it wasn't for the accident.

SGI's technical advisor didn't agree. He said the damage to the air tank was from metal fatigue, that it had been repaired before, and that it would have broken very soon, even if there was no accident.

We asked an independent engineer to look at the air tank. He confirmed that there were multiple stress fractures and that the air tank was at about 80% of its life expectancy before the accident. Based on this assessment, SGI decided to give Reg some benefit of the doubt and reimbursed him for close to 20% of the cost of a new air tank.

Accolades

In the course of our work, we sometimes encounter public servants who set the fairness bar high for themselves. Sometimes they quickly and cheerfully correct an unfairness as soon as it comes to light, sometimes they spend extra time to make sure a client understands the reasons for a decision, and sometimes they think ahead and make procedural changes that will benefit many clients.

To all public servants who value fairness, we say thank you, and to those, in particular whom we have observed striving for a high level of fairness, we recognize with an Accolade. All 2006 Accolade recipients' names are printed in the blue band on the right hand side throughout the Complaints From Individuals section of the report.

Determining Eligibility for a Crop Insurance Payout

Ruby and Ryan had a flax crop out in the field. In August, they received a notice from the Saskatchewan Crop Insurance Corporation (SCIC). The notice said that SCIC had determined that Ruby and Ryan planted the flax in that field after the SCIC deadline for insurance coverage. As a result, SCIC was cancelling the insurance on that flax crop.

Ruby and Ryan called SCIC. They said that they disagreed with the decision and that they had planted the flax before SCIC's deadline for coverage. The couple decided, however, not to appeal the decision. They were fairly confident the crop would be fine.

Later that fall, however, a frost damaged the crop. Ruby and Ryan brought an appeal forward, saying that they had planted the flax before the deadline date and that SCIC's information was not accurate. Their appeal was denied. They didn't think this was fair and called us.

We investigated Ruby and Ryan's complaint and, on one point, we agreed with SCIC. Ruby and Ryan should have appealed soon after they received the letter about the cancellation of the coverage for the flax. Once the damage was done, it was too late to appeal the decision and ask for the insurance coverage to be reinstated.

The investigation revealed that the couple also had a valid point. They denied seeding too late and disagreed with the SCIC adjustor's assessment. The adjustor had used a software program to determine when the flax was planted. The adjustor put air temperature data and the growth stage of the young flax into the software and used this information to determine when the flax was seeded.

When we talked to the software developer, however, we found that the software was not really designed to determine seeding dates. If used in this way, they said, the result should be treated as a guideline only. For this reason, the software producers do not provide a warranty for the accuracy of the software when used to determine seeding dates.

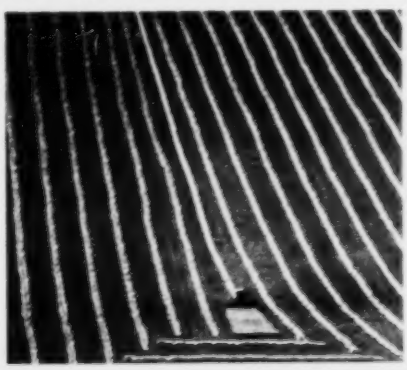
What was the software designed to do? The software was intended to help farmers predict when a crop would be ready for harvest. It was also reasonably good at looking backward to determine when the plant emerged from the ground. It was not as accurate at determining when the seed went into the ground. Why? Because there are so many variables that affect the time it takes from seeding to emergence: seeding depth, soil moisture, soil temperature, extreme temperatures, soil type, seed type, and when the testing is done.

The software does not look at these additional factors. SCIC's guidelines note this and recommend that other data be used in addition to the software, to ensure a more accurate picture of past dates and stages. Despite these guidelines, there was no evidence on file that any other data was obtained outside of the results provided by the software program, and the decisions appeared to be based solely on the software. We don't think this is fair and have asked SCIC to reconsider their decision-making practices around determination of seeding dates.

Insurance on Two-Year-Old Grain Hoppers

Randall used to operate a company that sold grain bins and hoppers. Then, he discontinued his insurance on the products and went out of business.

Two years later, six of the hoppers failed and the farmer who bought them filed an insurance claim. The insurance claim found Randall 25% responsible and he received a letter from SGI, notifying him of this finding and asking him to pay the $500 deductible for his portion. Randall didn't think this was fair and brought his complaint to us.



We conducted an initial review of the matter. It revealed that the coverage Randall had when he was still in business extended to future problems with the bins and hoppers. Without the coverage, he could be held personally responsible for 25% of the hoppers' value and, if he refused to pay, the farmer could choose to take him to court. Randall decided to accept the coverage and pay the $500 deductible.

Garnisheed GST Refund and Income Tax Return

Ramona was expecting her GST refund and income tax return, but they never came. Instead, she was surprised to find they had been garnisheed to cover an old social assistance overpayment. She told us this was unfair because she never received an overpayment or a notice of one.

The department, on the other hand, said they had sent her several notices of the overpayment.

We invited Ramona and a representative from the department to meet. During the meeting, the department representative said they had sent several letters to Ramona, explaining the overpayment. It turned out, however, that she had moved and her mail wasn't reaching her. In fact, for a time, she had thought her mail was being stolen.

Both Ramona and the department representative realized they had made some assumptions. Now, Ramona understood why her GST refund and income tax return had been garnisheed, and the department representative understood why she had not responded to their letters. Ramona would contact Accounts Payable at Community Resources and work out an arrangement for repaying the amount she owed.

Diana Angus, Regina Region Supervisor, SaskPower
Thank you for working patiently with Community Resources to ensure that a client with an unpredictable income had a fair opportunity to have her power hooked up and pay her bills.

John deBruin, Fire Centre Coordinator, Sask Environment
Gary Neil, Senior Fire Manager, Sask Environment
While gathering information to present for our investigation, you identified a need to develop best practices in a particular area. Thanks for finding ways to improve the fairness of service.

Val Dewhurst, Acting Deputy Director, Operations, Pine Grove Correctional Centre
Thank you for not only listening attentively to our concerns about an incident, but also for assuming a lead role in implementing changes to improve the situation for both staff and offenders.

Greg Flottorp, CMA, Provincial Sales Tax Branch, Sask Finance
Through work on one complaint, you identified a way to improve future communications to many people – and you thanked us for bringing the complaint to your attention. Our thanks to you, Greg.

Mark Folk, Manager, Livestock Loan Guarantee Program, Agriculture & Food
Thank you for not only providing the information we needed for our investigation, but also for providing clear explanations to us and to the complainant. We appreciated your patience and your friendly, professional manner.

Al Herman, Supervisor, SaskPower
Thanks for coordinating work with Community Resources on a client file. You made it possible for the client to deal with their previous debts and get their power hooked up again.

Julien Hulet, Director, Regina Correctional Centre
Thanks for preventing an inmate's clothes from being destroyed until it was clear whether the powdery substance on them was drugs or grain dust.

Turning Back the Clock on the Sale Price of Lake Property

Rayelle and Roger were renting a cottage and piece of property near a lake and wanted to buy it. Saskatchewan Environment owned the property, so the couple mailed a letter to Saskatchewan Environment, asking to buy the property. There was no response.

The following year, Rayelle and Roger tried again, and this time there was a response. They could buy the property – but the price had gone up by $2,200. They didn't think this was fair and called our office.

We talked with Rayelle and Roger and with Saskatchewan Environment. It seems that Saskatchewan Environment lost the first letter. Since the delay was caused by the department, it wasn't fair that Rayelle and Roger had to pay more for their property. We asked that they be reimbursed for the difference.

The department had to receive special permission through an Order in Council to make this exception, and they did. Rayelle and Roger were reimbursed for difference between the 2004 and 2005 price of the property, and would not pay the next year's lease fees. They received a cheque for $2,200.

Transitional Employment Allowance (TEA) Stolen

Rowena had been working, but was injured. She had three broken ribs and a bruised kidney. Her doctor told her to stay home until she recovered, but her boss expected her to work, despite her injuries, and fired her. Rowena's boss had refused to pay her, so Rowena had taken the issue to Labour Standards. In the meantime, she had living expenses and bills to pay.

Rowena hadn't worked enough hours to apply for employment insurance, but she was still eligible for the Transitional Employment Allowance (TEA) and received a cheque for $1,102. She cashed it, put all the money in her wallet, and went to the pharmacy with her son to get prescriptions filled for them both. She said she put her wallet on the pharmacy counter and, while she was attending to her son, the wallet was stolen.

Rowena was distressed. She needed to pay her rent, pay for prescriptions, and buy food. She called TEA and was offered $312. This was not enough to cover her most urgent expenses. She called our office.

We talked to Community Resources and they agreed to look into the matter again. A supervisor spoke with Rowena and agreed to give her a cheque for another $230. At least this would cover her immediate needs and allow her to stay where she was living. They also agreed to work with her on a financial plan to ensure her needs would be met until she was well and could find a new job.

Workers' Compensation Benefits for a Widow

Rena came to our office with a complaint about workers' compensation benefits for her late husband, Ralph.

Ralph had worked as a millwright from 1959 – 1994. He was also a smoker. After retirement, he suffered from various breathing and lung disorders. In 1998, he was diagnosed with lung cancer and later had his left lung removed. In 1999, he was diagnosed with pneumonia and Chronic Obstructive Pulmonary Disease (COPD) – an illness that would make it increasingly difficult to breathe.

Ralph's COPD was likely the result of his years of breathing in various irritants on the job. Ralph was assessed and found to have a Permanent Functional Impairment of 45% and became eligible for retroactive workers' compensation. The Workers'

Compensation Board issued him a lump sum earning replacement that dated back to April of 1999, with ongoing independent allowances and ongoing earning replacement benefits.

In January, 2004, Ralph passed away. It was later determined that COPD was probably a contributing factor in his death.

For Rena, recent years had been difficult ones, caring for a sick husband, and struggling with him to receive the benefits they felt he was owed. When she came to our office, many of these benefits had been settled, but she felt the retroactive pay should go back further than 1999.

We investigated the matter and found medical evidence from 1998 that pointed to COPD. As a result, Rena was able to provide new information to the Workers' Compensation Board and was granted an additional six months of retroactive benefits.

John Keeler, Director, Investment Program, Regional Economic and Co-operative Development
Thank you for recognizing a key principle of fairness: that people need to be clearly informed about decisions that affect them. Not only did you send a client a very clear explanation of a decision, but you also worked to develop a policy that would improve fairness for other clients.

Brian Kline, Manager of Vehicle Standards and Inspections – SGI
Brian, you went out of your way to offer additional inspections for a client who thought the original assessment was unfair. Thank you for your promptness and for ensuring fairness prevailed.

Sandy Korzak, Business Manager, SaskEnergy
Thank you, Sandy, for doing all you could to ensure a client was contacted in an effort to resolve a payment issue. You were more than fair.

Karel Larson, Customer Service Supervisor, SaskEnergy
Thanks for re-establishing service and waiving the reconnect fee and security deposit for a client who was doing his best to pay off old bills.

Sharon Miller, Customer Service Supervisor, SaskEnergy
Kim Sevigny, Customer Service Supervisor, SaskEnergy
Michelle Blampied, Customer Services Representative II, SaskEnergy
Thanks to all three of you for your patient work in a particularly complex situation. Together, you made it possible for a senior on a fixed income and difficult circumstances to achieve as fair a payment plan as possible.

An additional thanks to Kim for extending a payment (and energy cut-off) deadline for a client who deserved a second chance.

Regaining Trust: A SaskPower Customer Finds It's Not Always Easy

When Rudy decided to leave town, he rented his house to Reese, a relative. Reese wasn't approved as a SaskPower customer, so he asked Rudy if he could leave the bill in Rudy's name. Reese promised to make all the payments and Rudy agreed.

Reese didn't keep his word. He left the bill unpaid and the power was eventually cut off. SaskPower then notified Rudy that the amount owing on the house Reese rented was $677. Combined with Rudy's current bill, which was not in arrears, the total was just over $1,000. SaskPower said that Rudy must pay $505 within a month and another $505 within two weeks after that. If not, the power would be cut off in his current residence.

Rudy was surprised and, although he did not have much money, did his best to meet the deadline. He made payments as often as he could: $100 one day, $160 the next, $50 a few days later, then $200 two weeks later, and $100 a week after that. In total, he paid over $600 within six weeks, but was at the end of SaskPower's deadline for payment and was running out of money. He asked for more time, and said he would be able to pay another $200 in eight days. SaskPower refused to extend the deadline. Rudy didn't think this was fair and called us.

We asked SaskPower if Rudy's deadline could be extended until we made some inquiries. They agreed to another 48 hours. Initially, we were told that no alternate payment arrangements would be considered because of Rudy's poor payment history.

We agreed that Rudy should pay the bill, and he did not dispute this, but what was his poor payment history based on? Our inquiries revealed that he had paid his power bills on time when he lived at the old place, and his power bills at the new place were also up to date. The only poor record was on the old place when Reese was living there – the very bill Rudy was trying to pay. With this evidence in mind, SaskPower agreed to a payment arrangement that would allow Rudy to be fully caught up with his payments in a few more weeks.

Delay in Pepper Spray Decontamination

Rachelle called our office to complain about the way she was treated in the Pine Grove Correctional Centre (PGCC). She said she was sprayed with pepper spray and did not get a shower until 30 hours later.

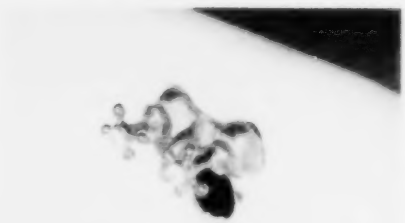
We listened to Rachelle's description of what happened, we interviewed staff at the correctional centre, and we reviewed the correctional centre's policy on pepper spray. Here is what we found:

Rachelle had been involved in a disruption and was placed in the Maximum Security Unit. About an hour after she arrived there, she tied shoelaces around her neck.

Correctional centre staff wanted to take the laces off her neck to prevent her from injuring herself. They also wanted to conduct a search. Rachelle was verbally aggressive and would not comply.

Staff tried to talk with her, and warned her that they would use pepper spray. Eventually, they did just that, and the spray landed on Rachelle's shoulder and hair. She then went into an epileptic seizure and had to go to the hospital for treatment. Late that night, when she returned from the hospital, she was heavily medicated and staff felt it would be unsafe for her to take a shower, so they let her sleep in the Medical Services Unit.

When Rachelle woke the next morning, she asked for a shower, and was told, "We'll see." When she again became aggressive, the shower was postponed. Eventually, she was moved back to the Maximum Security Unit and, later that evening, finally got her shower.



While we recognized that correctional centre staff faced significant difficulties in dealing with Rachelle, 30 hours with pepper spray on the skin is

too long. She said there was a burning sensation and red marks on her skin from being sprayed, and that she had difficulty breathing. She noted that staff were complaining about the smell from the pepper spray residue in her cell.

We also found that our investigation was partially hampered by a lack of information. Based on PGCC policy, a Use of Pepper Spray form ought to have been completed and it hadn't been, and there was no record of what happened while Rachelle was in the Medical Services Unit.

We reviewed our concerns with the correctional centre and they agreed to take steps to help improve similar situations. Staff would complete the paperwork they are required by policy to complete for a pepper spray incident, so we would be better able to investigate any future complaints of this nature. Also, for aboriginal inmates, the correctional centre would seriously consider bringing in elders to help bring calm in similar situations – and ultimately reduce the need for pepper spray use and improve speed of decontamination.

Donna Mitchell, Director, Court Operations, South
Thank you for taking the time to talk over a policy decision with a client, and for voluntarily changing the policy to increase fairness – for him and for others.

Barb Morris, Manager, Auto Fund Systems, SGI
Darlene Schultz, Manager, Financial Planning and Reporting
Thank you for taking fairness to the next level: proactive fairness. You met with us to discuss a planned rebate and asked for our advice. In the end, there were no complaint calls to our office about the way the rebate was handled. Way to go!

Terry Nimetz, Team Leader, Regina Correctional Centre
You helped a distraught inmate who was fearful of losses in his personal life, due to the timing of the legal process. Thank you for going the extra mile to ensure the inmate's information reached the Saskatchewan Legal Aid Commission quickly.

Coleen Rankin, Assistant Manager, Community Resources Contact Centre
Thank you for your immediate and concerned response to a suicidal client. Also, thanks for making arrangements for an ill client whose Transitional Employment Allowance funds were stolen.

Steve Roberts, Executive Director, Sask Environment
Thank you for working collaboratively with us to ensure that leaseholders in the north not only got vital information, but also had that information highlighted so they wouldn't miss it.

Colin Warnecke, Supervisor, Reinsurance, SGI
Thank you for meeting with clients about a claim item that was denied. You listened and provided a fair solution to the issue they raised.

Systemic Investigations

While the majority of the complaints we receive are from individuals, there are times when it is important to step back and look at the broader picture. We may do this if we receive several complaints about the same issue, or if there appears to be a need to review a process or policy that impacts many people. Here is a summary of our systemic investigations for 2006.

Completed Systemic Investigations

Family Health Benefits for Temporarily Absent Residents: Saskatchewan Health

This systemic investigation began with an individual complaint. Raven and her husband Ralph were studying in the United States. They are Saskatchewan residents, they have two small children, and their income is such that they qualify for Family Health Benefits. Raven sent the necessary paperwork to Community Resources and was automatically nominated for the benefits. On one of her return trips to the province, she tried to access extended health benefits through Saskatchewan Health. Her claim was denied and she was told that she was not a resident and therefore not eligible for services.

Preliminary Findings: When Raven brought her complaint to us, we started by making some preliminary

inquiries. We found that there are some 2,800 people registered for Family Health Benefits who are considered "temporarily absent" from the province for education, work or other reasons. When any of them come home and apply for extended health benefits, they would presumably receive the same response as Raven. We decided to commence a systemic investigation and notified the department of our intent to do so.

Conclusion: The department promptly replied to our letter and said they were making a change. They stated that they had reviewed the policy and determined that temporarily absent residents who have been nominated for extended health benefits under the Family Health Benefits program will be covered for those services during the periods of time that they are back in Saskatchewan. They contacted Raven to let her know about the policy change and said they would reimburse her for any eligible expenses she incurred while in Saskatchewan.

Privacy of the Methadone Treatment Program: Corrections and Public Safety

We conducted a review of the way Methadone is administered in the correctional centre environment and whether it affords participants an appropriate amount of privacy. Daily treatments of Methadone lessen the withdrawal symptoms of some drug-addicted inmates. In the prison environment, if inmates are known to be on the Methadone treatment program, they may be targeted by other inmates, either for illicit drug sales or for receipt of the Methadone itself.

Findings: When Methadone is administered, the patient must be observed for at least 20 minutes to ensure the Methadone is being ingested. Typically, a number of inmates will be dosed and observed at one time. This treatment is not private and, even if it was, it would not be hard for other inmates to guess why an individual would be taken to the medical unit each day. The greatest difficulty in administering Methadone privately is the 20 minutes' observation time. If this were done separately for each inmate, a dramatic increase in nursing staff would be required – and at a time when there is already a nursing shortage in correctional centres and elsewhere.

Another consideration is that, even though a risk exists in the lack of privacy of the Methadone treatments, it has not resulted in any serious

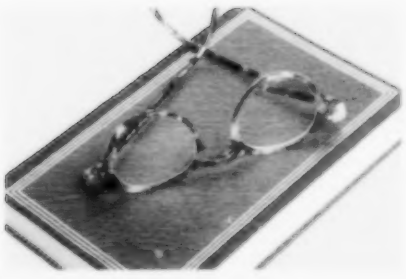
problems. Correctional centres in other provinces operate similarly and have not had complaints about the process.

Conclusion: While Methadone dosages should, ideally, be administered privately, there is no practical way to make this happen. We have closed the file as "No appropriate remedy available."

Funding of Special Needs Items and Services: Community Resources – Income Assistance

When adults with special needs are on Social Assistance, how are those additional needs met? We conducted a preliminary review of the way Community Resources administers funding in these areas. After the review, we would decide whether to conduct a more detailed investigation.

Findings: Special needs funding for adults on Social Assistance is mainly available from two sources: Community Resources and the Supplementary Health Program. Through the Social Assistance regulations, Community Resources is able to provide funding for a range of special needs items and services including travel expenses to attend r edical appointments, assistance with child care while attending medical appointments, and special food items.



The Supplementary Health Program provides basic medical services and products to social recipients nominated for the benefits. This program pays for products or services such as formulary drugs, basic dental services like extractions and fillings, basic optical services including eye testing, eye glasses, and medical transportation including road and air ambulance, and chiropractic visits.

When there is a dispute over whether a benefit is to be provided, Saskatchewan Health offers an internal evaluation process to assess medical information submitted by the recipient and, in most cases, by his or her attending physician, to determine whether coverage is available.

Items that are covered by neither program include: vitamins, muscle relaxant drugs, diet medication, herbal medicine, massage therapy, purified water required for a medical condition, trifocal glasses and travel costs for a companion to attend an out of town medical appointment. There is, however, the opportunity to appeal to Community Resources and have these items funded in special circumstances.

Since mechanisms are available to Social Assistance recipients for review of these health-related requests by both departments, and we find flexibility is available to consider unique circumstances, we are satisfied that no further inquiry or investigation is warranted.

We have noticed, however, that recipients were not aware of the review process available to them by Saskatchewan Health.

Recommendation: In any case where a client is advised that their request for a health-related item must be made to Saskatchewan Health, that they are also clearly informed about the availability of the internal review process.

Status: Accepted

Weather-Based Crop Insurance Program: Saskatchewan Crop Insurance Corporation (SCIC)

We received complaints from seven farmers about the Annual Crop Weather Based Insurance Program for early frost. They said their crops were insured under the program and suffered frost damage, but SCIC said the crops didn't qualify because the third party's weather data indicated that there was no frost.

We examined the entire Annual Crop Weather Based Insurance Program including the basis for the coverage, how it was set up and promoted, the criteria for data collection, how data was verified, and the parameters around what would constitute a claim and how that was paid out.

Findings: The Annual Crop Weather Based Insurance Program covers two risk factors: lack of precipitation and early frost loss. It is the early frost loss

in particular that was relevant to the complaints we received. The program offers top-up coverage for indepe[illegible] producers who qualified for an SCIC contract of crop insurance. It was designed as an area-based coverage, with no crop determinant or yield value.

This insurance program was developed to address producer concerns for additional coverage that is simple, non-intrusive insurance. With this kind of insurance, nobody comes to the farm to assess the fields or pay out an amount based on the degree of damage. Instead, payout is based on weather data and is a flat rate-per-acre coverage depending on what level of coverage is purchased.

Weather stations are located throughout the province and the temperatures recorded at those stations is the only data used for determining whether insurance is paid out. In fact, the producer does not file a claim. Payout is triggered automatically on the insured acres from the final data reports verified by an independent third party such as Environment Canada, and submitted to SCIC in early November of each year. Claims are calculated based on the set program parameters and data from the weather stations during the designated time periods.

The SCIC information pamphlet advises producers that: "This is not an individual production program. Indemnities are not tied to your yields, the amount of precipitation or the temperature or the specific parcel of land you insure."

We checked with the third parties providing the weather data and found their stations to be functional and their measurement tools accurate. One factor we noticed, however, was that the temperature was measured at a height of 1.25 to 2.00 metres above the ground in accordance with what and how that tool is required to measure. This is higher than the level of most crops and it is possible that the weather station could record a temperature of 0° Celsius or higher when there is frost at a lower level.

We found no unfairness in the general structure of the Annual Crop Weather Based Insurance itself and noted that the brochure was reasonably clear about how the program operates. We did find, however, that the way the tool was used to measure temperatures – although appropriate for its designed purpose – may not be the most appropriate tool for SCIC purposes.

Recommendation: Based on our understanding of the measurement tool as described by experts consulted during our investigation, it would be better if a more appropriate tool was utilized. Should there be no other more appropriate tool, then our recommendation is that the Department takes the process of providing detailed information a step further to let prospective clients know what type of tool is being used to measure frost and that it measures air temperature at 1.25 - 2.0 meters above ground level.

Status: Accepted

Mandatory Retirement

Our office had considered investigating the issue of mandatory retirement at age 65. In discussions with the Saskatchewan Human Rights Commission, however, we agreed that they would be the most appropriate organization to examine the issue and they proceeded to do so.

Systemic Investigations Underway

Timeliness of Decision-Making: Justice (Saskatchewan's Administrative Tribunals)

When administrative tribunals are created, it's usually with the purpose of enabling citizens to get a decision faster and with fewer formalities than a court process. We are reviewing the time it takes from when evidence is presented until a decision is made.

Refund Set-Off Program: Community Resources

When a Social Assistance recipient receives an overpayment, the money is payable back to Community Resources. If that person is no longer collecting Social Assistance it can be more difficult for Community Resources to collect the money. At times, the department will access the money from the person's federal income tax return.

This investigation will ask the question: Is it appropriate for the department to collect these debts when they reach an age where they would no longer be collectible through the courts?

Process and Procedure Review: Office of the Rentalsman

The Office of the Rentalsman provides advice to residential landlords and tenants about their legal rights and obligations. It also provides a hearing process to resolve disputes. *The Residential Tenancies Act* does not permit the Rentalsman Office to amend, vary, rescind or reconsider its decisions, and appeals can only be taken to a court of law. For this reason, it is especially important that the hearing and decision-making process be fair with consistently high standards applied to it. Our review will encompass the processes and procedures for both hearings and providing advice.

Use of Restraint Chairs: Corrections and Public Safety

When an offender is physically out of control, one of the methods some correctional centres use to prevent injury to the offender and staff is to place that individual in a restraint chair. While use of the restraint chair has not been common in Saskatchewan correctional centres, it is used federally. We have undertaken to proactively review the procedures that Corrections and Public Safety has in place for this device. We would like to ensure that any future use occurs for appropriate reasons, is done in an appropriate manner, and be subject to a review process.

No New Start in Methadone Program: Corrections and Public Safety

Methadone is a non-addictive drug that is used to help lessen withdrawal symptoms for some drug addicted people. We have received complaints from offenders who were approved to start the Methadone program at the Saskatoon Correctional Centre, but who were not permitted to do so, largely due to a nursing shortage. We are reviewing the situation and the correctional centre's response.

Recommendations

For each complaint we work on, our office decides whether the government could have done a better job of being fair.

In the past, we tended to focus on whether the government organization made a fair decision. For the most part, if a certain measure of fairness was reached, we required nothing more.

In 2006, we raised the bar. Instead of looking only for a basic measure of fairness, we took a more comprehensive approach. Not only did we make recommendations when we determined that a decision was unfair, we also made recommendations when we thought the government could have done a better job. Essentially, we are looking for best practices for fair practice.

In addition to the many instances where our involvement results in informal assistance and improvements, our "raising the bar" approach has resulted in an increase in formal recommendations. We found that government organizations tended to rise to the challenge and, in almost every instance, accepted our recommendations.

Funding for Special Health Needs: Community Resources - Income Assistance Division

(This is also a systemic investigation.) Is there sufficient provision and flexibility in Community Resources' policy for funding special health needs? Preliminary findings indicate a comprehensive and flexible policy. We made only one recommendation.

Recommendation: In any case where a client is advised that their request for a health-related item must be made to Saskatchewan Health, they are also clearly informed about the availability of the internal review process.

Status: Accepted

Can-Sask Feeder Calf Set Aside Program: Agriculture and Food

A farmer missed the deadline for enrolling calves in the Can-Sask Feeder Calf Set Aside Program. His appeal to the department was denied. Although the department's decision was fair, the process could have been better.

Recommendation: Reconsider who should be signing appeal decisions.

Status: Accepted

Drug Use, Methadone, and Urinalysis Testing: Corrections and Public Safety - Saskatoon Correctional Centre

An inmate lost some "good behaviour" days because he was suspected of taking illicit drugs. He claimed the medical unit made a mistake and gave him too much Methadone – a drug administered to control withdrawal symptoms. He asked for a urinalysis test to support his explanation, but was refused.

Recommendation: Review the correctional centre's policies about testing inmates on the Methadone program who are suspected of using illicit drugs.

Status: Accepted

Missing Personal Property: Corrections and Public Safety - Saskatoon Correctional Centre

When an inmate was transferred, some of his personal property was missing. Compensation was denied because there was no record of the items. Then, records were located.

Recommendation: Reimburse the inmate for the item lost by the correctional centre.

Status: Accepted

Computer for Preparing an Appeal: Corrections and Public Safety - Saskatoon Correctional Centre

An inmate who was representing himself for an appeal was using his own computer/printer to prepare for the hearing. Corrections staff removed the computer/printer, citing security reasons. We attended a meeting with Corrections officials and the complainant to discuss issues and concerns, and presented our findings and recommendation.

Recommendation: Have technical staff examine the computer/printer and, if there are no concerns, allow the inmate to continue using it.

Status: Accepted. The correctional centre was unable to complete due to transfer of inmate to federal institution.

Purchase of Leased Property: Environment

A couple wanted to buy their leased property from Environment. The letter they sent in 2004 was misplaced and the following year, the cost of the property increased.

Recommendation: Enable the couple to purchase the property at the 2004 price.

Status: Accepted

Deciding Whether to Fund a Unique Medical Situation: Health

A family with a unique medical situation requested that Health pay for a procedure that is not usually funded. Health declined to pay based on existing policy.

Recommendation: Where the procedure is not for the usual purpose, as would appear to be the case here, the Department needs to consider whether the policy is properly applicable. There is an obligation on Saskatchewan Health to demonstrate that it has done so, and to provide written reasons for the decision.

Status: Accepted

Explanation of Business Loan Denial: Regional Economic and Co-operative Development

A business loan applicant was declined. He didn't understand why and had received no written notice.

Recommendation: Provide a denial letter to this applicant. Develop a policy outlining the response to denied applicants.

Status: Accepted

Severance Package Calculation: Public Service Commission

A former civil servant complained that his severance package was not consistent with the terms of the settlement. The discrepancy was due to some facts that were readily available to the PSC, but which came to their attention afterwards.

Recommendation: The Government of Saskatchewan pay to the complainant the amount deducted after the settlement.

Status: Accepted

Weather-Based Crop Insurance: Saskatchewan Crop Insurance Corporation

Several farmers complained because they thought their claims under the Annual Crop Weather Based Program for early frost should not have been denied.

Recommendation: Based on our understanding of the measurement tool as described by experts consulted during our investigation, it would be better if a more appropriate tool was utilized. Should there be no other more appropriate tool, then our recommendation is that the Department takes the process of providing detailed information a step further to let prospective clients know what type of tool is being used to measure frost and that it measures air temperature at 1.25 - 2.0 meters above ground level.

Status: Accepted

Options for Registering an Appeal: Saskatchewan Human Rights Tribunal

A person had 30 days to appeal a decision from the Tribunal. The only contact information available was their mailing address, so he sent a letter - but there was no way to know if the letter reached them and they didn't receive it.

Recommendation: Include the Tribunal's e-mail address and fax number in the Commission's dismissal letter and on your website.

Status: Accepted

Offer Complainants an Interview and a Chance to Respond to Tentative Findings: Saskatchewan Police Complaints Investigator

A complainant said the Investigator did not properly consider the points raised. After an investigation, we concluded that the points had been considered, but that the process could have been better.

Recommendation: Offer complainants an interview, even when that interview likely will not produce any new information. This provides complainants full opportunity to be heard and an opportunity to address any of their questions while the matter is under investigation. Provide complainants an opportunity to respond to the findings of the investigation prior to the conclusion of the file.

Status: Accepted

Gas Meter Placement: SaskEnergy

A homeowner complained that the placement of a gas meter created undue risk.

Recommendation: Have a neutral third party look at the placement, and both parties agree to accept the decision.

Status: Accepted by department, provided homeowner waives right to sue. Homeowner refused.

Client Billing: SaskPower

A couple was billed for a previous amount one of them owed. They paid the bill, but part of the amount was for services used by another person and should not have been charged to them.

Recommendation: Credit the couple's current service account with the amount that should have been billed to another customer.

Status: Accepted

Calculation of Wage Loss Entitlement: Workers' Compensation Board

An injured worker's wage loss entitlement was being calculated on the basis of seasonal employment. He thought it should be calculated differently.

Recommendation: Based on new information provided, review the calculations for wage loss entitlement.

Status: Accepted. Calculation made and wage loss entitlement increased.

Shoulder Injury: Workers' Compensation Board

A worker had a fall at work and reported various injuries that resulted. A few days later, he noticed that his shoulder was injured and reported that too. After paying benefits on the shoulder for three years, WCB decided that the injury was not work-related. Benefits for the shoulder injury were discontinued.

Recommendation: Continue to pay benefits to this worker and reassess him for a Permanent Functional Impairment.

Status: Not Accepted

Presentations and Training

As part of our office's aim to promote fairness, we continued to make presentations to various groups about who we are and what we do. These presentations give people the opportunity to understand that our office exists and when they can bring a complaint to us.

Some of the presentations we made in 2006 were part of the Northern Exchange our office participated in with the Saskatchewan Children's Advocate Office and the Saskatchewan Human Rights Commission. These were excellent opportunities to interact with northerners and gain an understanding of how our office can do a better job of letting them know about us and providing services to them.

In the fall, we worked with the Saskatchewan Children's Advocate Office, the Saskatchewan Human Rights Commission and the Saskatchewan Office of the Information and Privacy Commissioner to set up an information day and trade fair about our four offices. We invited constituency assistants from all MLA offices in the province, along with any federal constituency assistants who wanted to attend. Participants heard a presentation from each office and had opportunities to pick up additional materials and ask questions about our operations. They told us they appreciated hearing about the four offices and said that the information would help them direct constituents who call with complaints.

In keeping with our plan to encourage government to engage in best practices for fair practice, we completed development of our Fair Practice Training and the accompanying manual.

The Fair Practice Training takes participants through a range of practical information about fairness including: understanding fairness, interpersonal conflict, communications skills, and information about the Ombudsman's office. Each Fair Practice Training session is interactive and usually lasts two days, although abbreviated versions can be tailored to meet the audience's needs.

We began conducting the training with people in various government organizations and we plan to continue offering sessions in 2007. The feedback to date indicates that public servants believe the training will help them better understand the principles of fairness and apply these in their work situations.

Here is a summary of our presentations and training activities in 2006.

Presentations

- FW Johnson Collegiate(3 classes)
- Provincial Interagency Network on Disability (PIND)
- Court Services
- Community Resources – Child & Family Services, Prince Albert
- Northern Justice Symposium
- Women's Centre, Saskatoon
- Open Door Society, Saskatoon
- Global Gatherings (newly landed immigrants)
- Saskatchewan Public Complaints Commission
- Legislative Internship Program
- College of Law
- Human Rights Commission – Presentation on Best Practices
- Financial Education Conference

Northern Exchange

- Beauval – community consultation meeting, tour
- Buffalo Narrows – radio interview, presentation and discussion at correctional centre, community consultation meeting, tour
- Île à la Crosse – community consultation meeting, tour
- La Loche Community School – community consultation meeting
- La Ronge – community consultation meeting
- Meadow Lake – justice conference
- Pinehouse Lake – community consultation meeting

Trade Fair / Information Day for Constituency Assistants

- Saskatoon (1 session)
- Regina (2 sessions)

Fair Practice Training

- Community Resources – La Loche
- Community Resources – North Battleford
- Mixed Group of government representatives – Regina
- SGI – Regina

Statistics

The way we look at and talk about our statistics is a reflection of our philosophy. Our "raising the bar" approach and our move to a different system for tracking our work have given us both the motivation and the opportunity to make some changes.

New Approach

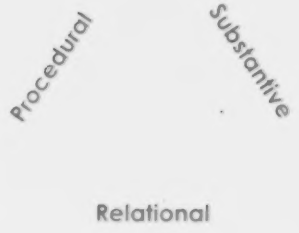
In the past, we used language like "substantiated" and "not substantiated." That old language tends toward finding fault and laying blame. It also points to an approach that says there is a basic level of fairness and if, in making a decision, government has met that basic level of fairness, we may have asked nothing more of them.

Our new approach focuses on looking at the future and on creating best practices for fairness. For example, if government meets a basic level of fairness in making a decision, but we think they could do better, we will tell them so. As a result, we made 16 recommendations in 2006 compared to seven in 2005.

Each time we examine a complaint, we pay attention to three areas: the substantive (usually money or property), process, and relationships. Together, these three areas make up a "fairness triangle."

Often, a complainant will first present us with a substantive issue. For example: "I didn't get the funding I applied for." Upon listening and asking more questions, we may find that there are other issues or interests. These interests may be process-based. For example: "They didn't tell me what they would use to make the decision." The interests may also be relationship based. For example: "When I asked why I didn't get the funding, they were rude to me." One might ask what difference it makes whether someone was treated with respect. It does make a difference. People who are treated with respect will often find it easier to interact with government and find solutions together. There are also many people who have an ongoing relationship with government offices and, for them, open lines of communication are particularly important.

Three Aspects of Fairness



Whatever the presenting, or initial complaint, we consider all three sides of the triangle when we take a complaint.

We have also made some changes to our complaint categories. We now look at the complaint from both our perspective and the complainant's. Here are two examples: If, at the conclusion of our involvement, the complainant would agree or mostly agree that the complaint was resolved – or, if we feel strongly that the majority of the complainant's issues were addressed – we will categorize it as "resolved." If our involvement results in an improvement for the complainant or will mean improvements for other similar complaints, we will categorize the complaint as "situation improved." This could include a better understanding of the process or an improved relationship with the government office.

New Tracking System

Our new tracking system has made it easier for us to change the way we sort our complaints and track our work. The transition team – and everyone at our office – worked hard to convert files and learn the new system. The transition date was April 1, 2006, and from then on, we started using the new closing categories.

We also started analyzing complaints differently. We began splitting individual complaints into the various components they presented to us because this presents a truer picture of the work we do. For example, on a given day, a person might bring forward one complaint or three complaints about a related matter. We deal with each complaint and close each one when our involvement with that piece is completed - or we may close all of them at once, whatever is the most appropriate. For that reason, our closing statistics for 2006 and on will be higher than in previous years.

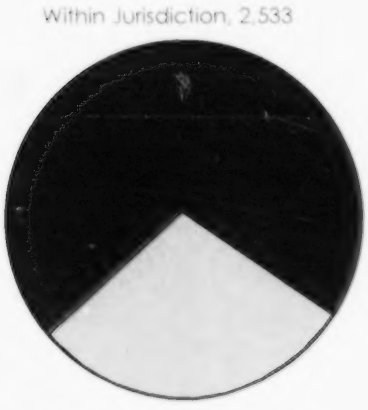
2006 Statistics

Complaints Received

In 2006, we received 1,195 complaints that were outside our jurisdiction as defined by *The Ombudsman and Children's Advocate Act*. These were complaints against organizations about which we cannot take complaints. In these instances, we try to provide the person with some information about who might best take their complaint.

There were 2,533 complaints that were within our jurisdiction in 2006, for a total of 3,728 complaints received.

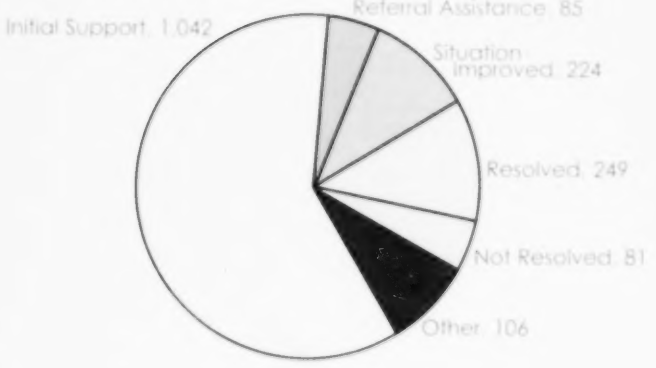
Complaints Received
January - December 2006



Complaints Closed or Completed

As noted earlier, in 2006 we began sorting complaints according to the various issues they presented, and closing them according to these new categories. It would, therefore, be inaccurate for us to mix the old categories with the new so we have chosen to present our closing statistics for April 1 – December 1, 2006 only. We have, on the other hand, been able to combine our "complaints received" statistics and are able to present those for the full year.

Complaints Closed
April - December 2006



*For definitions of these categories, see the descriptions on the statistical charts on pages 28-39.

Complaints Received [1] 2006	2005	Departments
25	n/a*	**Advanced Education and Employment (new)**
		*previously under Can-Sask (Community Resources) and Student Financial (Learning)
16	10	**Agriculture and Food**
		Community Resources
103	84	Building Independence
90	61	Child and Family Services
7	9	Community Living
10	0	Housing - General
10	7	Housing - Regina
10	9	Housing - Saskatoon
10	19	Housing - Other Locations
591	785	Income Assistance
26	25	Community Resources - Other
857	**999**	**Totals - Community Resources**
		Corrections and Public Safety
74	69	Adult Corrections - Pine Grove Correctional Centre
116	99	Adult Corrections - Prince Albert Correctional Centre
209	169	Adult Corrections - Regina Correctional Centre
198	209	Adult Corrections - Saskatoon Correctional Centre
26	21	Adult Corrections - Other
3	4	Young Offenders Program
6	5	Corrections and Public Safety - Other
632	**576**	**Totals - Corrections & Public Safety**
1	0	**Culture, Youth and Recreation**

[1] **Complaints Received**: The number of complaints received from January 1 to December 31. These complaints are considered within jurisdiction, although a very small number of them may later be determined not to be.

[2] **Initial Support**: Our office provided initial support for these complaints. For example, we may have linked the complainant to a more appropriate step - perhaps an appeal process not yet tried, an advocacy service, or an internal complaints process. We also encourage people to bring their complaint back to our office if they still feel there is an unfairness after they have tried all the appeal routes available.

[3] **Referral Assistance**: These complaints are mainly ones where, after beginning a negotiation, mediation or investigation process, we have referred the complainant to an appeal route they have not yet tried or a more appropriate remedy.

Note: A complaint closed as referral assistance may be part of a multiple complaint that spans more than one category.

[4] **Situation Improved**: The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.
Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed (April - December 2006)

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
14	**2**	**2**	**1**	**0**	**1**
8	**0**	**3**	**5**	**0**	**1**
42	5	17	14	0	2
35	9	7	6	3	2
3	0	1	1	0	1
7	0	0	1	0	0
3	0	0	0	0	0
3	0	2	1	0	0
3	2	0	1	0	1
262	22	56	48	8	13
8	1	0	0	0	0
366	**39**	**83**	**72**	**11**	**19**
29	3	10	6	1	1
46	3	7	9	5	7
82	3	29	49	8	6
71	4	18	12	4	11
14	0	1	1	0	0
3	0	0	0	0	0
2	1	1	1	0	0
247	**14**	**66**	**78**	**18**	**25**
0	**0**	**0**	**0**	**0**	**0**

[5] **Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, a formal recommendation was rejected or there was no appropriate remedy available.

Note: A complaint closed as *not resolved* may be part of a multiple complaint that spans more than one category.

[7] **Other:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Departments
2006	2005	
13	19	**Environment**
1	1	**Executive Council**
11	7	**Finance**
1	1	**First Nations and Metis Relations**
		Health
11	11	Drug Plan & Extended Health Benefits
30	33	Health - Other
41	**44**	**Totals - Health**
12	13	**Highways and Transportation**
1	0	**Industry and Resources**
		Justice
20	11	Court Services
39	60	Maintenance Enforcement Branch
22	15	Public Trustee
34	29	Rentalsman / Provincial Mediation Board
13	22	Justice - Other
128	**137**	**Totals - Justice**
13	22	**Labour**
3	12	**Learning**

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Note: A complaint closed as situation improved may be part of a multiple complaint that spans more than one category.

Complaints Closed (April - December 2006)

nitial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
5	**0**	**0**	**3**	**1**	**1**
0	**0**	**0**	**0**	**0**	**0**
3	**0**	**1**	**4**	**1**	**3**
1	**0**	**0**	**0**	**0**	**0**
1	0	3	2	0	1
17	1	3	3	1	3
18	**1**	**6**	**5**	**1**	**4**
7	**0**	**2**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**
6	0	3	4	0	1
10	1	0	6	2	3
6	1	3	2	1	1
13	1	5	0	0	1
4	0	2	1	0	1
39	**3**	**13**	**13**	**3**	**7**
8	**1**	**1**	**0**	**0**	**1**
1	**1**	**0**	**0**	**0**	**0**

[5] **Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as resolved may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, a formal recommendation was rejected or there was no appropriate remedy available.

Note: A complaint closed as not resolved may be part of a multiple complaint that spans more than one category.

[7] **Other:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Departments
2006	2005	
0	1	Northern Affairs
3	1	Property Management
1	0	Regional Economic and Co-operative Development
5	2	Saskatchewan Institute of Applied Science and Technology (SIAST)
		Boards
11	0	Highway Traffic Board
4	1	Labour Relations Board
2	0	Lands Appeal Board
1	0	Milk Control Board
		Regional Health Authorities
17	8	Regina Qu'Appelle Regional Health Authority
13	9	Saskatoon Regional Health Authority
40	22	Other Regional Health Authorities
70	39	Totals - Regional Health Authorities
1	0	Saskatchewan Human Rights Tribunal
7	14	Social Services Appeal Board
0	1	Water Appeal Board
128	143	Workers' Compensation Board

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Note: A complaint closed as situation improved may be part of a multiple complaint that spans more than one category.

Complaints Closed (April - December 2006)

nitial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
0	0	0	0	0	0
2	0	0	0	0	0
0	0	1	1	0	0
2	0	0	2	0	0
2	1	1	1	0	0
1	1	1	0	0	1
1	0	0	0	0	0
0	0	0	0	0	0
8	0	1	1	0	0
6	0	0	0	2	0
23	0	2	1	3	3
37	0	3	2	5	3
0	0	0	1	0	0
1	1	0	3	1	0
0	0	0	0	0	0
71	2	4	3	8	3

[5]**Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

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[7]**Other:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Crown Corporations
2006	2005	
1	0	**Agricultural Credit Corporation of Saskatchewan**
0	11	**Crown Investments Corporation of Saskatchewan**
0	2	**Information Services Corporation**
2	3	**Liquor and Gaming Authority**
11	20	**Saskatchewan Crop Insurance Corporation**
1	0	**Saskatchewan Gaming Corporation**
		Saskatchewan Government Insurance (SGI)
36	34	Auto Fund
86	91	Claims Division - Auto Claims
56	50	Claims Division - No Fault Insurance Protection (NFIP)/ Personal Injury Protection Plan (PIPP
23	22	Claims Division - Other / SGI Canada
24	22	SGI - Other
225	**219**	**Totals - SGI**
0	1	**Saskatchewan Grain Car Corporation**
0	1	**Saskatchewan Transportation Company (STC)**
1	0	**Saskatchewan Municipal Board**
0	1	**Saskatchewan Water Corporation**
8	4	**Saskatchewan Watershed Authority**

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Note: A complaint closed as referral assistance may be part of a multiple complaint that spans more than one category.

[4] **Situation Improved**: The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.

Note: A complaint closed as situation improved may be part of a multiple complaint that spans more than one category.

Complaints Closed (April - December 2006)

nitial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
0	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**
2	**0**	**0**	**0**	**0**	**0**
0	**0**	**2**	**7**	**2**	**0**
0	**0**	**0**	**0**	**0**	**0**
13	2	5	2	1	1
28	2	8	5	6	6
30	6	5	1	5	3
7	2	4	5	2	1
4	0	0	1	0	0
82	**12**	**22**	**14**	**14**	**11**
0	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**1**
0	**0**	**0**	**0**	**0**	**0**
1	**0**	**2**	**0**	**1**	**2**

[5] **Resolved**: We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as resolved may be part of a multiple complaint that spans more than one category.

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[7] **Other**: Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Crown Corporations
2006	2005	
59	91	SaskEnergy
116	108	SaskPower
54	47	SaskTel
		Commissions
1	0	Apprenticeship and Trades Certification Commission
5	2	Automobile Injury Appeal Commission
5	2	Public Service Commission
4	2	Saskatchewan Financial Services Commission
9	7	Saskatchewan Human Rights Commission
33	31	Saskatchewan Legal Aid Commission
4	4	Saskatchewan Public Complaints Commission

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Note: A complaint closed as situation improved may be part of a multiple complaint that spans more than one category.

Complaints Closed (April - December 2006)

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
26	1	4	4	5	2
38	1	2	21	6	2
25	1	2	7	3	4
1	0	0	0	0	0
0	0	1	0	0	2
3	0	0	1	0	2
3	0	0	0	1	1
6	3	0	1	0	1
16	0	1	0	0	5
2	0	1	0	0	1

[5] **Resolved**: We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

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Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Agencies
2006	2005	
1	0	Agriculture Development Fund
1	0	Funeral and Cremation Services Council
2	2	Saskatchewan Assessment Management Agency
2	0	Saskatchewan Cancer Agency

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Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed (April - December 2006)

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Other [7]
1	0	0	0	0	1
0	0	0	0	0	1
1	1	0	0	0	1
1	0	0	0	0	0

[5] **Resolved:** We have deemed the complaint to be completely or largely resolved. Examples: a formal recommendation was accepted, the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

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Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Budget

The budget for 2006 - 2007 was similar to previous years, with few changes. Salaries were adjusted according to the prescribed rate increases. We received permanent funding for a Director of Communications, Public Education, and Fair Practices at 75% of full time. We also received funding to complete Phase II of the information management system, as planned.

	2004-2005	2005-2006	2006-2007
Salaries	$1,255,000	$1,292,000	$1,442,000
Other Expenses	$326,000	$374,000	$374,000
Total	$1,581,000	$1,666,000	$1,816,000